

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

United States of America)

v.)

RAFAEL PEREZ)

Case No: 1:01-CR-295

USM No: _____

Date of Previous Judgment: 02/09/2004)Amelio P. Marino

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 108 months is reduced to Time Served.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 30Amended Offense Level: 28Criminal History Category: IIICriminal History Category: IIIPrevious Guideline Range: 121 to 151 monthsAmended Guideline Range: 97 to 121 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated 02/09/2004 shall remain in effect.

IT IS SO ORDERED.Order Date: 03/25/2008


Judge's signature

Effective Date: 04/04/2008

(if different from order date)

Yvette Kane, Chief Judge

Printed name and title